

REMARKS

The Examiner has rejected claims 1-31. Claims 1-31 are pending for examination with claims 1,8,18, and 22 being independent claims.

The Examiner has objected to the specification because the arrangement of the disclosed application does not conform with 37 CFR 1.77(b). Applicants have made the required changes.

The Examiner has objected to the abstract of the disclosure because it contains more than 150 words. Applicants have provided a new abstract.

Claims 1-31 stand rejected under 35 U.S.C. §102(b) as being anticipated by Fayyad et al. ("Fayyad") (PCT Pub No. WO 99/62007). The Examiner states that Fayyad teaches the claimed invention. Applicants respectfully traverse the Examiner's grounds for rejection.

In claims 1,8,18, and 22, Fayyad et al. was cited against Applicants. Applicants respectfully submit that the application of the Fayyad reference in this application in light of the STATEMENT CONCERNING COMMON OWNERSHIP submitted below is improper. Applicants request that the examiner remove the Fayyad reference from consideration in the examination of the application. Applicants submit that the Fayyad reference should be removed for the following reasons:

“Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention “were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” This change to 35 U.S.C. 103(c) applies to all utility, design and plant patent applications filed on or after November 29, 1999.” MPEP 706.02(I)(1)

Accordingly the Applicants submit the following:

STATEMENT CONCERNING COMMON OWNERSHIP

Applicants Representative of record submits that Fayyad PCT Pub No. WO 99/62007 can not be considered to be prior art for rejecting the claims of this application. Fayyad can not be prior art because U.S. Patent Application Number 09/886,771 and the subject matter of the Fayyad reference, were at the time the invention of application 09/886,771 was made, subject to common ownership and an obligation of assignment to Microsoft Corporation. MPEP 706.02(l)(2) II Evidence Required to Show Common Ownership. OG Notice, 1241 OG 96.

Applicants submit that the above STATEMENT CONCERNING COMMON OWNERSHIP by Applicants Representative of record is sufficient. MPEP 706.02(l)(3).

Accordingly, the Applicants submit that Claims 1,8,18 and 22 are not anticipated by Fayyad.

Claims 2-7 are dependent on Claim 1. As such, Claims 2-7 are believed allowable based upon Claim 1.

Claims 9-17 are dependent on Claim 8. As such, Claims 9-17 are believed allowable based upon Claim 8.

Claims 19-21 are dependent on Claim 18. As such, Claims 19-21 are believed allowable based upon Claim 18.

Claims 23–31 are dependent on Claim 22. As such, Claims 23–31 are believed allowable based upon Claim 22.

Accordingly, reconsideration and examination of the above-referenced Application is requested.

#### **CONCLUSION**

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested. Based on the foregoing, Applicants respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

Microsoft Corporation

Date: 1/25/05

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: 01-25-2005

Rimma N. Oks

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